

CHAPTER NO. 518

HOUSE BILL NO. 1864

By Representatives Black, McDaniel

Substituted for: Senate Bill No. 1785

By Senator Fowler

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 1, relative to health-related boards' authority to issue temporary authorization letters to practice to qualified applicants for license prior to board ratification.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1 is amended by adding the following language as a new, appropriately designated section, which shall read as follows:

Section _____. (a) Any board regulated by this title may authorize any of its members or its designee to conduct a review of the qualifications of an applicant for a license to practice such profession in this State and to make an initial determination as to whether the applicant has met all the requirements for licensure. If the board member or board designee determines that the applicant has met all the requirements for a license, the board member or board designee has the authority to issue to such applicant a temporary authorization to practice, and, once the temporary authorization is issued, the applicant is then authorized to practice such profession in this State until the board makes a final decision on the application for a license. Such temporary authorization, once issued, shall be deemed to be a valid license for all purposes, granting to the applicant all rights that would attach if the person had been issued a permanent license at that time. The board may authorize the use of this procedure with respect to applicants for initial licenses, temporary permits, temporary licenses, renewal of license, and license reinstatement if the issuance of temporary permits, temporary licenses, renewal of license and license reinstatement is otherwise authorized by such board's practice act. In no event shall the temporary authorization issued pursuant to an initial determination made by a board member or board designee be effective for longer than a six-month period measured from the date of issuance. The applicant shall not utilize this process for the same reason more than once.

(b) If temporary authorization, pursuant to subsection (a), is issued to an applicant and if the subsequent decision of the board is to deny the application based upon a determination that the applicant has not complied with all the requirements for licensure, then the initial approval from that point forward shall immediately become null and void, and the applicant shall be notified immediately. In this event, the doctrine of estoppel shall not apply against the State based upon its issuance of temporary authorization and its subsequent denial of licensure.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 1999



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of June 1999



DON SUNDQUIST, GOVERNOR